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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,190	04/27/2000	Richard M. Wyatt	2037.2002-000	2260
21005	7590	12/22/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,190

Applicant(s)

WYATT, RICHARD M.

Examiner

Robert W. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16,18-23 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,18-23 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16, 18-23 & 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runaldue (U.S. Patent No.: 6,128,654).

Referring to claim 16, Runaldue teaches: Queueing method performed by Fig 3.

A pointer which points to data which is to be transmitted is written to Output Queue 74 per Fig 3 or per col. 7 lines 34-52. The Output Queue is the first memory. Writing the pointer into the Output Queue inherently establishes a linked list of pointers after the write operation.

The pointer is transferred to the Transmit FIFO 54 per Fig 3 or per col. 7 lines 34-52 which is the second memory.

Runaldue does not expressly call for: single write operation for writing the pointer into the Output Queue or different access times associated with the Output Queue and the Transmit FIFO or dequeuing of the pointer.

It is within the level of one skilled in the art at the time of the invention to adjust parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention that pointer is written into the Output Queue in a single operation in order to simplify the logic architecture as well as adjust write to a single operation. It would have been obvious to one of ordinary skill in the art at the time of the invention that the pointer is dequeue from the Transmit FIFO otherwise the same packet would be sent forever and the invention would not work. It would have been obvious to ordinary skill in the art at the time of the invention that the Output Queue and Transmit FIFO have different access times because they are called different names which implies a different media type.

Referring to claim 18, Runaldue teaches: Queueing method performed by Fig 3.

A pointer which points to data which is to be transmitted is written to Output Queue 74 per Fig 3 or per col. 7 lines 34-52. The Output Queue is the first memory.

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The pointer is transferred to the Transmit FIFO 54 per Fig 3 or per col. 7 lines 34-52 which is the second memory.

The MPEP section 2106 II C states that “wherein “ clauses state optional requirements; therefore, the clause “wherein the step of transferring forwards a full cache row into the second memory” has been treated as an optional requirement and given no weight.

Runaldue does not expressly call for: dequeuing of the pointer.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the pointer is dequeue from the Transmit FIFO otherwise the same packet would be sent forever and the invention would not work.

Referring to claim 19, Runaldue teaches: Queueing method performed by Fig 3.

A pointer which is to data which is to be transmitted is written to Output Queue 74 per Fig 3 or per col. 7 lines 34-52. The Output Queue is the first memory.

The pointer is transferred to the Transmit FIFO 54 per Fig 3 or per col. 7 lines 34-52 which is the second memory.

The applicant broadly claims “forwards a partially filled cache row into the second memory”.

Runaldue does not expressly call for: first memory access time and a second memory access time or wherein the step of transferring forwards a partial cache row into the second memory

It would have been obvious to ordinary skill in the art at the time of the invention that the Output Queue and Transmit FIFO have different access times because they are called different names which implies a different media type. It would have been obvious to one of ordinary skill in the art at the time of the invention that all of the data to write a pointer into the second memory would be transferred which the examiner is interpreting to be a full cache row.

In addition Runaldue teaches:

Regarding claim 20, the MPEP section 2106 II C states that “wherein “ clauses state optional requirements; therefore, the clause “wherein the cache row is transferred in a single write cycle” has been treated as an optional requirement and given no weight.

Referring to claim 21, Runaldue teaches: Queueing method performed by Fig 3.

A pointer which is to data which is to be transmitted is written to Output Queue 74 per Fig 3 or per col. 7 lines 34-52. The Output Queue is the first memory. The pointer is stored in the Output Queue which the examiner interprets as a cache; furthermore, the pointer is inherently positioned

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in an order. The MPEP section 2106 II C states that “wherein “ clauses state optional requirements; therefore, the clause “wherein entries in a cache row in first memory are ordered by position in the cache row” has been treated as an optional requirement and given no weight.

The pointer is transferred to the Transmit FIFO 54 per Fig 3 or per col. 7 lines 34-52 which is the second memory.

Runaldue does not expressly call for: first memory access time and a second memory access time or dequeuing of the pointer.

It would have been obvious to ordinary skill in the art at the time of the invention that the Output Queue and Transmit FIFO have different access times because they are called different names which implies a different media type. It would have been obvious to one of ordinary skill in the art at the time of the invention that the pointer is dequeue from the Transmit FIFO otherwise the same packet would be sent forever and the invention would not work.

Referring to claim 22, Runaldue teaches: Queueing method performed by Fig 3.

A pointer which is to data which is to be transmitted is written to Output Queue 74 per Fig 3 or per col. 7 lines 34-52. The Output Queue is the first memory. The MPEP section 2106 II C states that “wherein “ clauses state optional requirements; therefore, the clause “wherein the first memory includes two cache rows” has been treated as an optional requirement and given no weight.

The pointer is transferred to the Transmit FIFO 54 per Fig 3 or per col. 7 lines 34-52 which is the second memory.

Runaldue does not expressly call for: dequeuing of the pointer.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the pointer is dequeued from the Transmit FIFO otherwise the same packet would be sent forever and the invention would not work.

Referring to claim 23, Runaldue teaches: Queueing method performed by Fig 3.

A pointer which is to data which is to be transmitted is written to Output Queue 74 per Fig 3 or per col. 7 lines 34-52.

The pointer is transferred to the Transmit FIFO 54 per Fig 3 or per col. 7 lines 34-52 which is the second memory.

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The MPEP section 2106 II C states that “wherein “ clauses state optional requirements; therefore, the clause “wherein a packet vector stored in the second memory includes a cache row and a count of the number of pointers stored in the cache row” has been treated as an optional requirement and given no weight.

Runaldue does not expressly call for: dequeuing of the pointer.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the pointer is dequeue from the Transmit FIFO otherwise the same packet would be sent forever and the invention would not work.

In addition Runaldue teaches:

Regarding claim 40, the MPEP section 2106 II C states that “wherein “ clauses state optional requirements; therefore, the clause “wherein the cache row is transferred in a single write cycle” has been treated as an optional requirement and given no weight.

Response to Arguments

3. Applicant's arguments with respect to claim 16, 18-23 & 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

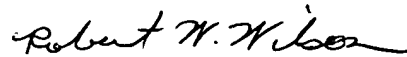
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert W Wilson

Examiner

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BOB PHUNKULH
PRIMARY EXAMINER

RWW
12/14/05